



JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th floor
P.O. Box 45029
Newark, New Jersey 07101

By: Pavithra Angara
Deputy Attorney General
Tel (973) 648-2436
Attorney ID: 001702012

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Ada R. Otero, R.N.
LICENSE NO. 26NO07976300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

CONSENT ORDER

The New Jersey State Board of Nursing is charged with the duty and responsibility of regulating the practice of nursing in the State of New Jersey pursuant to the Nurse Practice Act, N.J.S.A. 45:11-1 et seq. and regulations set forth in N.J.A.C. 13:37-14.1 et seq.

Pursuant to N.J.S.A. 45:11-23, all homemaker-home health aides (“CHHA”) are required to be certified by the Board as they are performing nursing tasks delegated by a licensed registered professional nurse. N.J.A.C. 13:37-6.2 requires that the registered professional nurse

shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made including that a registered professional nurse may not delegate the performance of a nursing task to persons who have not been adequately prepared by verifiable training and education.

Ada R. Otero ("Respondent") holds New Jersey license 26NO07976300 as a Registered Nurse with the Board. Beginning in 2008, Respondent worked for Homewatch Old Bridge Caregivers of Central New Jersey, LLC ("Homewatch Old Bridge") as the Nursing Supervisor and Director of Nursing.

Through its investigation, the Board has determined that while serving as Nursing Supervisor for Homewatch Old Bridge, Respondent engaged in multiple violations of N.J.S.A. 45:11-23 and N.J.A.C. 13:37-6.2 by failing to ensure that aides assigned to clients who required personal care were Certified Homemaker-Home Health Aides; failing to formalize adequate Plans of Care; failing to confirm and document that the care provided did not exceed the scope of the delegated tasks and procedures; and/or that the delegated tasks were performed in a satisfactory manner.

Given the above, the Board finds that Respondent engaged in multiple acts of professional misconduct pursuant to N.J.S.A. 45:1-21(e) and/or has violated the statutes and/or regulations governing the practice of nursing pursuant to N.J.S.A. 45:1-21(h).

The parties being desirous of resolving this matter, and the Board, being satisfied that entry of the within Order obviates the need for formal proceedings, and being further satisfied that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown

IT IS, therefore, ON THIS 21st day of September, 2015, ORDERED and AGREED that:

1. Respondent's license to practice nursing in the State of New Jersey shall be suspended for a period of two years effective upon entry of the within Consent Order. Six (6) months of the suspension shall be active, during which Respondent shall cease and desist of the practice of nursing within ten (10) days of receipt of a filed copy of this Consent Order. The remaining eighteen (18) months shall be stayed and served as a period of probation, provided that Respondent demonstrates compliance with all the terms and conditions of the within Consent Order. No credit shall be granted toward the active period of suspension for any period during which Respondent is practicing any type of nursing in any other jurisdiction or country.

2. Respondent is assessed an aggregate civil penalty of \$5,000 pursuant to N.J.S.A. 45:1-25 for the violations described herein. Respondent shall pay a total of \$5,000 in penalties and costs in six (6) equal monthly installments of \$833.33 each. The first payment shall be due on or before September 1, 2015, with each subsequent payment due on the first day of each of the following five months. All monthly payments shall be made by wire transfer, or by bank check, money order or certified check made payable to the State of New Jersey and sent to Joanne Leone, Acting Executive Director, Board of Nursing, 124 Halsey Street, 6th Floor, P.O. Box 45027, Newark, NJ, 07101. Any payment in a form other than those noted above will be rejected and returned. Subsequent violations of Board statutes, regulations or orders, including this Consent Order, will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. A Certificate of Debt reflecting the \$5,000 currently due and owing shall be filed with the New Jersey Superior Court.

4. In the event Respondent defaults on the payment terms of this Order she specifically acknowledges that: a.) Following notice by certified and regular mail to Respondent's address on file with the Board, she shall have five (5) business days to cure the deficiency by immediately making all overdue payments to the Board; b.) Failure to cure the default within the specified time shall result in the default of Respondent's obligations under this Order without further notice or opportunity to be heard; c.) Upon default of any and all amounts then due and owing under this Order, including any future installments shall immediately be due in full; d.) The Board may issue a summary order of suspension of Respondent's license to practice nursing in the State of New Jersey. The summary suspension order may issue following a certification from the Board's Executive Director of Respondent's default and failure to cure, without further notice to Respondent or opportunity to be heard; and e.) Following the issuance of a summary suspension order pursuant to the proceeding, any application by Respondent to lift the suspension shall not be considered by the Board unless and until all payments due under this Order have been paid in full.

5. Respondent shall enroll in and successfully complete a Board-approved educational course in ethics. "Successful completion" means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. The Board further requests that Respondent submit to the Board written verification that Respondent satisfactorily completed all requirements of the course.

6. Respondent shall reimburse the Board's investigative costs and fees totaling \$7,879.87 pursuant to N.J.S.A. 45:1-25(d). The payment of said costs and fees shall be suspended provided that Respondent complies with the terms of this Consent Order and the rules and regulations governing the practice of nursing in the State of New Jersey.

7. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy
Patricia Murphy, PhD, APN, FAN
President

I have read and understood the within Order and agree to be bound by its terms.

Ada R. Otero
Ada R. Otero, R.N.

8/18/15
Date

I hereby consent to the form of this Order.

JoAnn Pietro
JoAnn Pietro, R.N., Esq.
Counsel to Ada R. Otero, R.N.

9/11/15
Date